

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

BILLY F. ALLEN, #366613 §
ET AL. §
§
VS. § CIVIL ACTION NO. G-03-998
§
GARY JOHNSON, ET AL. §

OPINION AND ORDER

Before the Court is a “Notice of Appeal” submitted by movant, **Johnny McKnight**, on January 24, 2007. **McKnight** seeks to appeal from an Order of the United States Magistrate Judge issued on January 11, 2007, which denied his “Motion to Intervene” in Civil Action G-03-998.

The Magistrate Judge informed **McKnight** that on March 28, 2005, this Court granted the motion for summary judgment of the Defendants and dismissed the action with prejudice under 28 U.S.C. § 1915(e)(2). The Plaintiffs appealed that decision to the United States Court of Appeals for the Fifth Circuit. On September 12, 2006, the Court of Appeals affirmed this Court’s dismissal. Consequently, this action is no longer pending before this Court; there is no case in which McKnight could intervene

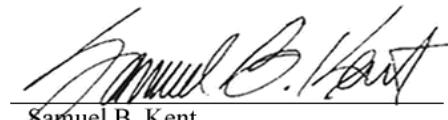
This Court finds that the United States Magistrate Judge did not err in his decision to deny **McKnight**’s Motion to Intervene in this inactive action and properly denied the Motion.

It is, therefore, the **ORDER** of this Court that the decision of the United States Magistrate Judge denying McKnights’ Motion to Intervene is **AFFIRMED**.

It is further **ORDERED** that the United States Magistrate Judge’ s denial of **McKnight**’ s request to add additional Defendants to this action is also **AFFIRMED**.

It is further **ORDERED** that the Clerk **SHALL** mail a copy of this Order to movant,
Johnny McKnight, only, at the address provided on his pleading.

DONE at Galveston, Texas, this 2nd day of March, 2007.



Samuel B. Kent
United States District Judge